

quired to be appropriated or otherwise made available by a provision of law is hereby reduced by 6 percent.”;

And on page 58, line 16, strike “\$5,000,000” and insert in lieu thereof “\$25,000,000”.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Myers] is recognized for 5 minutes in support of his motion to recommit.

#### PARLIAMENTARY INQUIRY

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. SOLOMON: Mr. Speaker, I would just propound the question, if the motion to recommit is adopted, is it not then in order for a demand for a division of the question under the rules of the House?

THE SPEAKER PRO TEMPORE: If the motion to recommit is adopted, the amendment in the form presented could be divided when reported back to the House forthwith.

MR. SOLOMON: I thank the Chair.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to recommit.

## § 46. Motions for the Previous Question

### § 46.1 A motion for the previous question cannot be divided.

On Apr. 25, 1940,<sup>(20)</sup> Mr. Edward E. Cox, of Georgia, moved the previous question on an amendment and the adoption of a resolution pertaining to the wage-hour law. Mr. Hamilton Fish, Jr., of New York, inquired as to whether such a motion was divisible thereby prompting the following discussion:

MR. FISH: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:<sup>(1)</sup> The gentleman will state it.

MR. FISH: Mr. Speaker, would it be in order to have separate votes on the two propositions?

THE SPEAKER PRO TEMPORE: A motion of the previous question cannot be divided.

MR. [PHIL] FERGUSON [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FERGUSON: Can a separate vote be had on the two propositions if the previous question is ordered?

THE SPEAKER PRO TEMPORE: If the previous question is ordered, the question will first recur on the amendment offered by the gentleman from Georgia and then on the rule.

MR. [REUBEN T.] WOOD [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WOOD: The vote will be on the amendment?

20. 86 CONG. REC. 5051, 76th Cong. 3d Sess.

1. Sam Rayburn (Tex.).

THE SPEAKER PRO TEMPORE: The vote now is on the previous question. If the previous question is ordered, the vote will then be on the amendment offered by the gentleman from Georgia and then on the resolution, as amended or not.

The previous question was ordered, and separate votes were taken on the amendment and the resolution thereafter.

## § 47. Motions To Rise

### § 47.1 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken out is not divisible.

On Dec. 15, 1937,<sup>(2)</sup> Mr. Lyle Boren, of Oklahoma, moved that the Committee of the Whole rise and report a Senate bill back to the House with the recommendation that the enacting clause be stricken out. Mr. Clarence E. Hancock, of New York, inquired as to whether the motion was divisible. The Chairman<sup>(3)</sup> ruled that such a motion was not divisible.

2. 82 CONG. REC. 2125, 75th Cong. 2d Sess.

3. John W. McCormack (Mass.).

## § 48. Motions To Strike Out and Insert

Rule XVI clause 7, explicitly provides that a motion to strike out and insert is indivisible.<sup>(4)</sup> Where it is proposed to strike out text and insert new language embracing several connected matters, it is not in order to demand a separate vote on each of those different propositions<sup>(5)</sup> except through an amendment process addressing all or a portion of the text proposed to be inserted.

The doctrine applies to a pending House amendment to a bill under consideration as well as to a Senate amendment. So where there is pending a House bill and a Senate amendment striking the House text and substituting new language, the motion to concur in the Senate amendment is not divisible as between concurring and amending. However, a special order, reported from the Committee on Rules or brought up by unanimous consent or under suspension, can be adopted which would subject the Senate text to separate votes on its various provisions.

### § 48.1 Where a motion to concur in a Senate amendment

4. *House Rules and Manual* §793 (1995).

5. 5 Hinds' Precedents §6124.